

# SEXUAL AND OTHER PROHIBITED HARASSMENT - BP 2.27

---

*Legal Authority: 23 NCAC 2C .0210*

*Approval: April 19, 2011*

*Revision:*

---

## **Purpose**

The Board will not tolerate prohibited harassment of employees or students including harassment of an individual because of that person's sex, sexual orientation, gender, race, religion, color, national origin, age, disability, genetic information, veteran's status, or any other classification protected by law. Any employee who engages in any form of prohibited harassment will be disciplined. Discipline may include, but is not limited to, transfer, demotion, suspension, or discharge. The college also forbids retaliation of any type against an employee or student for reporting any type of prohibited harassment.

## **Prohibited Conduct**

The College prohibits any form of sexual or other prohibited harassment involving any of its employees in the employment relationship or involving any of its students in the educational relationship, whether it be in the form of an employee harassing an employee or student. Harassment, retaliation, coercion, interference, or intimidation of an employee or student due to his or her race, color, religion, gender, sexual orientation, age, national origin, disability, or other legally protected status is strictly forbidden. The foregoing provisions are amplified and complemented by the following:

- (1) **Sexual Harassment.** Sexual harassment does not require physical contact but involves conduct that merely creates an unwelcome environment, as follows:

Employees: Sexual harassment involving an employee includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to the conduct is made a term or condition of the employee's employment (either explicitly or implicitly); when submission to or rejection of the conduct is used as a basis for employment decisions affecting the employee; or when the conduct is sufficiently severe, persistent, or pervasive to interfere with the employee's work performance or to create an intimidating, hostile, or offensive working environment.

Occasional compliments of a socially acceptable nature do not constitute sexual harassment. Similarly, circumstances such as the nature of course materials, educational programs, or other educational activity will be considered before a determination is made that behavior in such a context is prohibited conduct.

Verbal or physical conduct of a sexually provocative, uncivil, or disrespectful nature at the College, whether or not it would be judged illegal as a matter of law, is unwelcome by the College and will not be tolerated. Nothing in these policies creates rights inconsistent with a zero tolerance for prohibited behavior. Furthermore, the College has the final word in interpreting these policies.

### **Definitions**

- “Unwelcome” signifies conduct that is not requested or invited and is regarded as offensive or undesirable.
  - “Conduct of a sexual nature” refers to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including, but not limited to:
    - Sexual advances
    - Sexual touching
    - Sexual graffiti
    - Displaying or distributing sexually explicit objects, drawings, pictures, and written materials
    - Sexual gestures
    - Sexual or “dirty” jokes
    - Requests for sexual favors
    - Touching oneself sexually or talking about one's sexual activity in front of others
    - Spreading rumors about or rating other employees or students as to sexual activity or performance
- (2) **Other Prohibited Harassment.** Other prohibited harassment involving an employee or student may consist of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, sexual orientation, age, national origin, disability, or other legally protected status, or that of his or her relatives, friends, or associates, and has the purpose or effect of creating an intimidating, hostile, or offensive working or educational environment; has the purpose or effect of interfering unreasonably with an individual's work or has the purpose or effect of denying or limiting a person's ability to participate in or benefit from the College program; or otherwise adversely affects an individual's employment or educational opportunities.

Any act, comment, or behavior that constitutes sexual or other prohibited harassment is strictly prohibited and will not be tolerated of any employee or student. This prohibition covers not only the relationship with other persons encountered in the

course of performing his or her job duties and each student's relationships with other persons encountered in the course of participating in the College's education programs or activities.

Verbal or physical conduct that shows hostility or aversion towards a protected status, class, trait or condition, whether or not it would be judged illegal as a matter of law, is unwelcome by the College and will not be tolerated. Nothing in these policies creates rights inconsistent with a strict application of a zero tolerance for such prohibited behavior. Furthermore, the College has the final word in interpreting these policies.

### **Complaints by Employees**

Employees, without any fear of reprisal, have the responsibility to bring any form of sexual or other prohibited harassment (whether by a co-worker, a student, or someone else encountered during the course of performing their job duties) to the attention of their supervisor or department head, so that an appropriate investigation may be begun into the circumstances of the incident and the alleged harassment. If an employee is uncomfortable with reporting the harassment to his or her supervisor or department head, the employee should go directly to the Director of Human Resources or to one of the chief administrators. Any person who receives a report of sexual or other prohibited harassment should notify the Director of Human Resources immediately, to obtain assistance in coordinating any investigation.

### **College's Response to Complaints**

- (1) **Investigation.** An employee who is reporting suspected sexual or other prohibited harassment is encouraged to provide as much information about the incident(s) as possible, and to assist the College in following up with the complaint. One or more impartial members of the College administration will be responsible for interviewing the person making the complaint, the person(s) accused of engaging in sexual or other prohibited harassment, and any witnesses named by those involved or others who the College believes may have relevant information. Designated College officials also will be responsible for reviewing any relevant documentation or other evidence provided by those involved.

The College's goal is to conduct and conclude its investigation promptly, so that an appropriate resolution of the matter may be reached as soon as reasonably possible. The extent of the College's investigation will depend upon the circumstances, including the nature of the harassment allegations and the College's ability to contact and obtain information from those involved. Interim measures may be taken to help avoid potential harassment or retaliation during the investigation process. Fact-finding and the determinations to be made from the facts shall be solely the province of the College.

- (2) **Propriety.** The College will keep all information relating to harassment allegations and investigations as confidential as reasonably possible under the circumstances, consistent with the College's legal obligations and with the need to investigate allegations of harassment and to take corrective and/or disciplinary

action with the College determines that prohibited harassment or another violation of College policy has occurred.

- (3) **Corrective/Disciplinary Action.** Following the College's investigation of any alleged sexual or other prohibited harassment, a review of the results of the investigation with the person or persons involved will be conducted. If appropriate, corrective and/or disciplinary action will be taken. This may result in immediate termination of employment for the employee.